

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Eng

February 16, 2010

An act to add Sections 11004.5 and 11004.6, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as amended, Eng. State agencies: information: Internet Web site.

Existing law requires, subject to specific exemptions, public records to be open to public inspection.

This bill would require, subject to specific exemptions, state agencies, the Department of General Services, and the office of the State Chief Information Officer to post specified audits and contracts to the state's Reporting Transparency in Government Internet Web site. *This bill would also require the office of the Governor to post specified financial statements and report to that Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Transparency is fundamental to promoting efficiency and
- 4 effectiveness in state government and strengthening the democratic

1 process by giving citizens enough information to reach their own
2 conclusions about how their tax dollars are being spent.

3 (b) Audits of state agencies and their operations can provide
4 objective and measurable performance reviews and identify and
5 correct inefficient or wasteful practices.

6 (c) Californians seeking information on state governmental
7 operations are often frustrated because a myriad of oversight
8 entities perform audits of state agencies, and the information can
9 be difficult to access due to the lack of a Web-based, central
10 inventory of audits.

11 (d) Many internal audits that state agencies perform on their
12 own operations are finalized but never made public.

13 (e) Billions of dollars in state contracts are entered into each
14 year to purchase goods and services for the people of California,
15 and posting contracts on the Internet is an effective way to help
16 ensure that taxpayers are getting the best value and services are
17 being provided in an efficient manner.

18 (f) The Legislature's continuing commitment to promoting
19 transparency in state government is especially critical while
20 California's economy continues to struggle.

21 ~~SEC. 2. Section 11004.5 is added to the Government Code, to~~
22 ~~read:~~

23 ~~11004.5. (a) A state agency shall post any audit regarding its~~
24 ~~operations, or any audit it performed regarding any other state or~~
25 ~~local government entity, finalized on or after January 1, 2011, to~~
26 ~~the state's Reporting Transparency in Government Internet Web~~
27 ~~site within 15 calendar days of finalization.~~

28 ~~(b) A state agency shall post any contract it awarded on or after~~
29 ~~January 1, 2008, valued at five thousand dollars (\$5,000) or more,~~
30 ~~to the state's Reporting Transparency in Government Internet Web~~
31 ~~site within 15 calendar days of signing by all parties to the contract.~~

32 ~~(c) The Department of General Services and the office of the~~
33 ~~State Chief Information Officer shall assist a state agency to~~
34 ~~comply with the requirements of this section.~~

35 ~~(d) This section shall not be construed as requiring the posting~~
36 ~~of audits or contracts where the posting would (1) violate federal~~
37 ~~or state law, (2) result in the unauthorized waiver of privileges,~~
38 ~~such as the attorney-client, attorney work product, or deliberative~~
39 ~~process privileges, or (3) result in the unauthorized waiver of~~
40 ~~exemptions from disclosure under the California Public Records~~

1 ~~Act (Ch. 3.5 (commencing with Section 6250) of Division 7 of~~
2 ~~Title 1).~~

3 ~~SEC. 3. Section 11004.6 is added to the Government Code, to~~
4 ~~read:~~

5 ~~11004.6. (a) (1) On or before February 15, 2011, a state~~
6 ~~agency shall post to the state's Reporting Transparency in~~
7 ~~Government Internet Web site all of the following:~~

8 ~~(A) Every audit of its operations finalized beginning January~~
9 ~~1, 2008, and forward, performed by itself or any entity other than~~
10 ~~itself, including, but not limited to, the Bureau of State Audits, the~~
11 ~~Controller, the Department of Finance, or a federal agency with~~
12 ~~oversight responsibility of the state agency's operations.~~

13 ~~(B) Every audit it performed regarding any other state or local~~
14 ~~government entity finalized beginning January 1, 2008, and~~
15 ~~continuing forward.~~

16 ~~(2) The Department of General Services and the office of the~~
17 ~~State Chief Information Officer shall assist a state agency to~~
18 ~~comply with the requirements of this subdivision.~~

19 ~~(b) Starting on January 1, 2011, the Department of General~~
20 ~~Services and the office of the State Chief Information Officer shall~~
21 ~~post any contract awarded by the state as of March 1, 2009, and~~
22 ~~continuing forward, valued at five thousand dollars (\$5,000) or~~
23 ~~more to the state's Reporting Transparency in Government Internet~~
24 ~~Web site.~~

25 ~~(c) This section shall not be construed as requiring the posting~~
26 ~~of audits or contracts where the posting would (1) violate federal~~
27 ~~or state law, (2) result in the unauthorized waiver of privileges,~~
28 ~~such as the attorney-client, attorney work product, or deliberative~~
29 ~~process privileges, or (3) result in the unauthorized waiver of~~
30 ~~exemptions from disclosure under the California Public Records~~
31 ~~Act (Ch. 3.5 (commencing with Section 6250) of Division 7 of~~
32 ~~Title 1).~~

33 ~~SEC. 2. Section 11004.5 is added to the Government Code, to~~
34 ~~read:~~

35 ~~11004.5. (a) On or before February 15, 2011, a state agency~~
36 ~~shall post to the state's Reporting Transparency in Government~~
37 ~~Internet Web site every audit of its operations finalized from~~
38 ~~January 1, 2008, to December 31, 2010, inclusive.~~

39 ~~(b) Within 15 calendar days of finalization, a state agency shall~~
40 ~~post to the state's Reporting Transparency in Government Internet~~

1 Web site every audit of its operations finalized from January 1,
2 2011, and forward.

3 (c) For purposes of this section, “audit” shall mean any review
4 or evaluation performed by a state agency on itself or by another
5 entity, including, but not limited to, the Bureau of State Audits, the
6 Controller, the Department of Finance, a federal agency with
7 oversight responsibility of the operations of the state agency, or
8 any other nongovernmental organization that monitors or oversees
9 the state agency and that has received public funds.

10 (d) The Department of General Services and the office of the
11 State Chief Information Officer shall assist a state agency to
12 comply with the requirements of this section.

13 (e) This section shall not require the posting of information in
14 an audit, including the identity of any undisclosed expert
15 consultant, that is confidential pursuant to a court order, the
16 attorney client privilege, or the attorney work product exception;
17 or information, that, if posted, would jeopardize peace officer
18 safety, criminal intelligence information, ongoing investigatory
19 activities, or any security procedure; or any information the
20 disclosure of which is prohibited by law. Nothing in this section
21 shall be construed to limit the rights of the public to access
22 information pursuant to the California Public Records Act (Chapter
23 3.5 (commencing with Section 6250) of Division 7 of Title 1), or
24 Section 3 of Article I of the California Constitution. Any
25 information withheld from posting shall be replaced with the
26 phrase, “CPRA exemption claimed.”

27 SEC. 3. Section 11004.6 is added to the Government Code, to
28 read:

29 11004.6. (a) On or before February 15, 2011, the Department
30 of General Services and the office of the State Chief Information
31 Officer shall post any contract awarded by the state from January
32 1, 2008, to December 31, 2010, inclusive, valued at five thousand
33 dollars (\$5,000) or more to the state’s Reporting Transparency in
34 Government Internet Web site.

35 (b) Within 15 calendar days of signing by all parties to the
36 contract, a state agency shall post to the state’s Reporting
37 Transparency in Government Internet Web site any contract it
38 awarded from January 1, 2011, and forward that is valued at five
39 thousand dollars (\$5,000) or more.

1 (c) *The Department of General Services and the office of the*
2 *State Chief Information Officer shall assist a state agency to*
3 *comply with the requirements of this section.*

4 (d) *This section shall not require the posting of information in*
5 *a contract, including the identity of any undisclosed expert*
6 *consultant, that is confidential pursuant to a court order, the*
7 *attorney client privilege, or the attorney work product exception;*
8 *or information, that, if posted, would jeopardize peace officer*
9 *safety, criminal intelligence information, ongoing investigatory*
10 *activities, or any security procedure; or any information the*
11 *disclosure of which is prohibited by law. Nothing in this section*
12 *shall be construed to limit the rights of the public to access*
13 *information pursuant to the California Public Records Act (Chapter*
14 *3.5 (commencing with Section 6250) of Division 7 of Title 1), or*
15 *Section 3 of Article I of the California Constitution. Any*
16 *information withheld from posting shall be replaced with the*
17 *phrase, "CPRA exemption claimed."*

18 SEC. 4. *Section 11004.7 is added to the Government Code, to*
19 *read:*

20 11004.7. *The office of the Governor shall post every statement*
21 *of economic interest and travel and expense report of its staff,*
22 *agency secretaries, department heads, and any official under the*
23 *direct supervision of the Governor to the Reporting Transparency*
24 *in Government Internet Web site.*